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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES POWELL

Defendant.

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Hon. Jose L. Linares, U.S.D.J.

Criminal No. 06-529

FINAL ORDER OF FORFEITURE

WHEREAS, on February 25, 2009, the United States filed a three-count Superseding Indictment against the defendant, James Powell, charging him with the unlawful possession and transport of firearms and ammunition having been convicted of a crime punishable by imprisonment for a term exceeding one year in a court of the State of New Jersey, in violation of 18 U.S.C. § 922(g)(1), and distribution and possession with intent to distribute five grams or more of a substance containing cocaine base, in violation of 21 U.S.C. §§ 841(a) and (b)(1)(B), and 18 U.S.C. § 2; and

WHEREAS, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), a person convicted of an offense in violation of 18 U.S.C. § 922(g), shall forfeit to the United States any firearms and ammunition involved in or used in the commission of that offense; and

WHEREAS, on March 31, 2009, a Consent Judgment and Preliminary Order of Forfeiture was entered between the United States and the defendant, James Powell, under which the defendant, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), agreed to forfeit to the United States

one Smith & Wesson .41 Caliber handgun, Serial Number 42389 and five (5) hollow-point bullets, for violations of 18 U.S.C. § 922(g)(1) (hereinafter “the property”); and

WHEREAS, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, and pursuant to 21 U.S.C. § 853, as incorporated by 28 U.S.C. § 2461(c), the United States posted for at least 30 consecutive days on an official government forfeiture internet web site, namely www.forfeiture.gov, between September 4, 2009 and October 3 2009, a notice of its intent to dispose of the forfeited property in accordance with the law and further notifying all third parties of their right to petition the Court within sixty (60) days of the first day of publication of the above notice, for a hearing to adjudicate the validity of their alleged legal interest in the property (Declaration of Rodney Villazor with Exhibits, Exhibit A, hereinafter “Villazor Decl.”); and

WHEREAS, no timely claims have been filed on the above-referenced property by any third parties; and

THEREFORE it is hereby ORDERED, ADJUDGED AND DECREED:

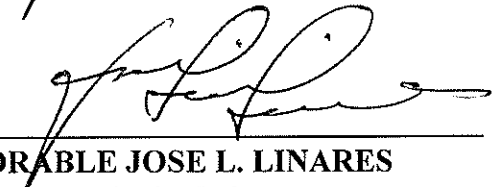
1. That a Final Order of Forfeiture is entered pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) and that one Smith & Wesson .41 Caliber handgun, Serial Number 42389 and five (5) hollow-point bullets are hereby forfeited to the United States of America and no right, title or interest in the assets shall exist in any other party.

2. That any and all forfeited funds, including but not limited to currency, currency equivalents and certificates of deposits, as well as any income derived as a result of the United States Marshals Service’s, or their custodian’s, management of any property forfeited herein, after the payment of costs and expenses incurred in connection with the forfeiture and disposition

of the forfeited property, shall be deposited forthwith by the United States Marshals Service, or their custodian, into the Department of Justice Asset Forfeiture Fund, in accordance with the law.

The Clerk is hereby directed to send copies to all counsel of record.

ORDERED this 14th day of Dec, 2009



HONORABLE JOSE L. LINARES
United States District Judge